



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,353	03/09/2000	Giuseppe Puppini	9340.680US11	3094

23552 7590 05/30/2002

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 05/30/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/522,353

Applicant(s)

PUPPIN, GIUSEPPE

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RESPONSE TO AMENDMENT

WITHDRAWN REJECTIONS

1. The 35 U.S.C. §112, first and second paragraph rejections of record in paper #10, pages 3-5, paragraphs #5-7 have been withdrawn due to Applicant's amendment in paper #11.
2. The 35 U.S.C. §102 rejections of record in paper #10, pages 5-6, paragraphs #9-10 have been withdrawn due to Applicant's amendment in paper #11.
3. The 35 U.S.C. §102/103 rejection of record in paper #10, pages 6-7, paragraph #11 has been withdrawn due to Applicant's amendment in paper #11.
4. The 35 U.S.C. §103 rejections of record in paper #10, pages 7-9, paragraphs #13-17 have been withdrawn due to Applicant's amendment in paper #11.

NEW REJECTIONS

5. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Objections

6. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In view of the new amendment to claim 1 "wherein the first rigid

Art Unit: 1772

area and the second rigid area include bends at pre-determined distances from the hinged region,” claim 5 now fails to further limit claim 1.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 4 recited “said thermoplastic coated fabric is coated on both sides by said flexible thermoplastic”. The only thing from the claims in which claim 4 is dependent on, claims 1-3, that can be construed as the thermoplastic coated fabric is the two fabric embedded rigid thermoplastic composite areas, which would mean that the flexible thermoplastic is coated on both sides of the rigid plastic composite areas. The specification only provides support for the flexible thermoplastic to be in the hinged region. Therefore, this is considered new matter.

Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 30 recites, “wherein said linear, hinged regions are enclosed by a distinct layer of flexible thermoplastic”. Claim 30 depends on claim 29, which depends on claim 28, which depends on claim 25. With regard to the hinged area, claim 25 recites that there is at

Art Unit: 1772

least one flexible hinged region, claim 28 recites the hinged regions comprise linear regions, and claim 29 recites the linear hinged regions comprise thermoplastic. Therefore, according to claim 30 the flexible thermoplastic of the hinged region is enclosed by another layer of flexible thermoplastic, essentially making the hinged area two layers of flexible thermoplastic. The specification only provides support for the flexible thermoplastic to be coated on both sides of a fabric. Therefore, this is considered new matter.

9. Claims 4, 17-19, 30, 37 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said thermoplastic coated fabric" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 4 is dependent on claim 3, which is dependent on claim 2, which is dependent on claim 1. Claims 1-3 do not recite the limitation of a thermoplastic coated fabric. The only limitation directed to a "fabric" is in claim 1, lines 1-3, "a fabric embedded into a first rigid thermoplastic composite area and a second rigid thermoplastic composite area." For this limitation to have antecedent basis any of claims 1-3 must recite something similar to, "wherein said hinged region comprises a fabric coated with a flexible thermoplastic." Preferably claim 1.

Claim 4 recites the limitation "said flexible regions" in line 3. There is insufficient antecedent basis for this limitation in the claim. The claims in which claim 4 depend from do not recite "flexible regions." Claim 3 recites a flexible thermoplastic which comprises the linear region of the hinged region, but does not disclose flexible regions.

Art Unit: 1772

Claim 4 is unclear in scope which renders the claims vague and indefinite. The claim recites "said thermoplastic coated fabric is coated on both sides by said flexible thermoplastic," which is confusing. Only claim 1 recites limitations regarding the fabric, "a fabric embedded into a first rigid thermoplastic composite area and a second rigid thermoplastic composite area" and only claim 3 recites limitations about the flexible thermoplastic, "wherein said linear region (of said hinged region) comprises a flexible thermoplastic." Claim 4 therefore seems to imply that the flexible thermoplastic is not only in the hinge region, but also coating the rigid thermoplastic composite areas. The claim further contradicts this assessment with the limitation "said structure being free of rigid thermoplastic, within said flexible region." Furthermore, it is believed that the comma between thermoplastic and within should be removed.

The term "pick" in claim 17 is unclear which renders the claim vague and indefinite. The "pick" of a fabric refers to the number of stands or yarns in one direction of the fabric, e.g. it's the number of yarns per length of the fabric. Commonly known in the fabric industry as the pick and end directions. The specification recites, "the fabric typically includes about 10 to 30 bundles of fiber per each square inch in the fabric here each bundle contains about 40 to about 5,000 glass stands typically 200 to 1000 strands." Since Applicant does not have basis for whether it is picks per inch, yard, etc., Applicant is advised to use language consistent with the specification such as "wherein said fabric includes about 10 to 20 bundles of fiber per square inch."

The term "thin" in claim 18 is a relative term which renders the claim indefinite. The term "thin" is not defined by the claim, the specification does not provide a standard for

Art Unit: 1772

ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 30 is unclear in scope which renders it vague and indefinite. Claim 30 now recites, "said linear, hinged regions are enclosed by a distinct layer of flexible thermoplastic." It is unclear how one layer of can enclose the hinged area unless the layer surrounds the entire structure, which is not supported by the specification. Furthermore, referring back to the 112, 1st paragraph rejection of claim 30, according to the claim the flexible thermoplastic of the hinged region is enclosed by another layer of flexible thermoplastic, essentially making the hinged area two layers of flexible thermoplastic. It is the Examiner's belief that claim 30 is suppose to be analogues to claim 4, where the hinged region is suppose to be a fabric coated on both sides with a flexible thermoplastic. Limitations directed to the hinged region containing fabric such as "wherein said hinged region comprises a fabric coated with a flexible thermoplastic," must be added to one of the claims in which claim 30 depends from, preferably claim 25. Also, there is a comma after linear that should be deleted.

The phrase "where the sill, jamb, track or sash is part of the hinged profile" in claim 37 is unclear which renders the claim vague and indefinite. It is unclear from the claim language the cooperational relationship between the hinged profile and the sill, jamb, track or sash. The relationship between the hinged profile and the sill, jamb, track or sash is described in the specification, page 18, lines 3-18. From that description the Examiner suggest rewriting the claim as:

37. The profile of claim 25, further comprising a sill, jamb, track or sash, wherein said profile hinge conforms to and is inserted into said sill, jamb, track or sash.

Art Unit: 1772

The phrase “where the hollow trim profile is part of the hinged profile” in claim 38 is unclear which renders the claim vague and indefinite. It is unclear from the claim language the cooperational relationship between the hinged profile and the hollow trim profile. The relationship between the hinged profile and the hollow trim profile is described in the specification, page 18, lines 3-18. From that description the Examiner suggest rewriting the claim as:

38. The profile of claim 25, further comprising a hollow trim profile, wherein said profile hinge conforms to and is inserted into said hollow trim profile.

The Examiner suggests setting up interview to over come these 112 rejections of record.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2, 3, 5, 6, 25-29, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaufer et al. (DE 1704377).

Kaufer discloses hinge comprising a plastic part consisting of fibers embedded at the ends in a rigid synthetic thermoplastic (page 7, third paragraph and figure 3). The uncoated fibers between the rigid synthetic thermoplastic ends is flexible and allows the hinged region to

Art Unit: 1772

rotate the rigid areas. From figure 3 it can be seen that the rigid areas include bends at pre-determined distances from the hinged region at 90 degrees.

Claim Rejections - 35 USC § 103

12. Claims 7-17, 20-24, and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufer et al. (DE 1704377).

Kaufe discloses the claimed invention except for the fabric being a woven, non-woven, glass fiber containing, polyamide fiber containing, cellulosic fiber containing, plain weave, or pick fabric or that the thermoplastic is polyvinyl chloride, polyolefin, or polyester. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a fabric made of woven, non-woven, glass fiber containing, polyamide fiber containing, cellulosic fiber containing, plain weave, or pick fabric or that the thermoplastic is polyvinyl chloride, polyolefin, or polyester, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Selection of the relative parts by weight of the components within the board ranges claimed is taken as being within the ordinary skill of one in the art absent unexpected results.

ANSWERS TO APPLICANT'S ARGUMENTS

13. Applicant's arguments filed in paper #11 regarding the rejections of record have been considered but are moot since the rejections have been withdrawn.

Art Unit: 1772

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hettinga (5,945,053) discloses a similar hinge.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

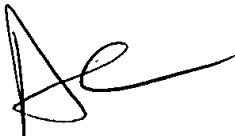
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Blaine Copenheaver can be reached by dialing (703) 308-1261. The fax phone number for the organization official non-final papers is (703) 872-9310. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac
5/24/02




HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 5/28/02